

William J. Edgar, OSB #120136
wedgar@bittner-hahs.com
Bittner & Hahs, PC
4949 SW Meadows Road, Suite 260
Lake Oswego, OR 97035
T: (503) 228-5626
F: (503) 228-8566
*Attorney for Defendant
Background Investigations, Inc.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SAMANTHA JOHNSON,

Case No. 3-16-cv-0051-BR

Plaintiff,

Defendant Background Investigations, Inc.'s
**ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S AMENDED
COMPLAINT**

v.

**BACKGROUND
INVESTIGATIONS, INC.,** a
domestic corporation; **CORELOGIC
CREDCO, LLC,** a foreign
corporation; **FIRST ADVANTAGE
BACKGROUND SERVICES
CORP.,** a foreign corporation;
ADVANCED REPORTING, LLC, a
domestic corporation,

Defendants.

Defendant Background Investigations, Inc. ("Defendant Background") submits the following answer and affirmative defenses to Plaintiff Samantha Johnson's Amended Complaint as follows:

1.

Defendant Background admits the court has jurisdiction under 15 U.S.C. § 1681p as alleged in paragraph 1 of Plaintiff's Amended Complaint.

///

///

2.

Defendant Background admits the allegations contained in paragraph 2 of Plaintiff's Amended Complaint.

3.

Defendant Background admits the allegations contained in paragraph 3 of Plaintiff's Amended Complaint.

4.

All allegations contained in paragraph 4 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 4.

5.

All allegations contained in paragraph 5 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 5.

6.

All allegations contained in paragraph 6 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 6.

7.

Defendant Background admits that River City requested Plaintiff's consumer report from Defendant Background. Defendant Background is without knowledge sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 7 of Plaintiff's Amended Complaint and, therefore, denies the same.

///

///

///

8.

Defendant Background admits that it issued Plaintiff's consumer report to River City that was later amended. Defendant denies the remaining allegations contained in paragraph 8 of Plaintiff's Amended Complaint.

9.

Defendant Background admits the information reported to River City. Defendant Background is without knowledge sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9 of Plaintiff's Amended Complaint and, therefore, denies the same.

10.

Defendant Background is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of Plaintiff's Amended Complaint and, therefore, denies the same.

11.

Defendant Background denies the allegations contained in paragraph 11 of Plaintiff's Amended Complaint.

12.

Defendant Background denies the allegations contained in paragraph 12 of Plaintiff's Amended Complaint.

13.

Defendant Background admits the allegations contained in paragraph 13 of Plaintiff's Amended Complaint.

14.

Defendant Background admits that it sent Plaintiff a copy of her consumer report. Defendant Background denies the remaining allegations contained in paragraph 14 of Plaintiff's Amended Complaint.

15.

The allegations in paragraph 15 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraph 15.

16.

All allegations contained in paragraph 16 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 16.

17.

All allegations contained in paragraph 17 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 17.

18.

All allegations contained in paragraph 18 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 18.

19.

Defendant Background is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of Plaintiff's Amended Complaint and, therefore, denies the same.

20.

All allegations contained in paragraph 20 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 20.

///

///

21.

All allegations contained in paragraph 21 of Plaintiff's Amended Complaint are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations in paragraph 21.

FIRST CLAIM FOR RELIEF

(Against Background Investigations)

(Negligent Noncompliance with the FCRA)

22.

Defendant Background incorporates by reference its responses to paragraphs 1 through 21 above as if the same were set forth in full herein.

23.

Defendant Background denies all allegations contained in paragraph 23 of Plaintiff's Amended Complaint.

24.

Defendant Background denies all allegations contained in paragraph 24 of Plaintiff's Amended Complaint.

25.

Defendant Background admits that plaintiff is requesting attorney fees pursuant to 15 U.S.C. § 1681o(a).

SECOND CLAIM FOR RELIEF

(Against Background Investigations)

(Willful Noncompliance with the FCRA)

26.

Defendant Background incorporates by reference its responses to paragraphs 1 through 25 above as if the same were set forth in full herein.

///

27.

Defendant Background denies all allegations contained in paragraph 27 of Plaintiff's Amended Complaint.

28.

Defendant Background admits that Plaintiff is seeking punitive damages. Defendant Background denies all remaining allegations contained in paragraph 28 of Plaintiff's Amended Complaint.

29.

Defendant Background admits that plaintiff is requesting attorney fees pursuant to 15 U.S.C. § 1681o(a).

THIRD CLAIM FOR RELIEF

(Against CoreLogic)

(Negligent Noncompliance with the FCRA)

30.

Defendant Background incorporates by reference its responses to paragraphs 1 through 29 above as if the same were set forth in full herein.

31.

All allegations contained in paragraphs 31, 32 and 33 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 31, 32 and 33 of Plaintiff's Amended Complaint.

///

///

///

///

///

FOURTH CLAIM FOR RELIEF

(Against CoreLogic)

(Willful Noncompliance with the FCRA)

32.

Defendant Background incorporates by reference its responses to paragraphs 1 through 33 above as if the same were set forth in full herein.

33.

The allegations contained in paragraphs 35, 36 and 37 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 35, 36 and 37 of Plaintiff's Amended Complaint.

FIFTH CLAIM FOR RELIEF

(Against First Advantage)

(Negligent Noncompliance with the FCRA)

34.

Defendant Background incorporates by reference its responses to paragraphs 1 through 37 above as if the same were set forth in full herein.

35.

The allegations contained in paragraph 39, 40 and 41 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 39, 40 and 41 of Plaintiff's Amended Complaint.

///

///

///

///

SIXTH CLAIM FOR RELIEF

(Against First Advantage)

(Willful Noncompliance with the FCRA)

36.

Defendant Background incorporates by reference its responses to paragraphs 1 through 41 above as if the same were set forth in full herein.

37.

The allegations contained in paragraphs 43, 44 and 45 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 43, 44 and 45 of Plaintiff's Amended Complaint.

SEVENTH CLAIM FOR RELIEF

(Against Advanced Reporting)

(Negligent Noncompliance with the FCRA)

38.

Defendant Background incorporates by reference its responses to paragraphs 1 through 45 above as if the same were set forth in full herein.

39.

The allegations contained in paragraphs 47, 48 and 49 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 47, 48 and 49 of Plaintiff's Amended Complaint.

///

///

///

///

EIGHTH CLAIM FOR RELIEF
(Against Advanced Reporting)
(Willful Noncompliance with the FCRA)

40.

Defendant Background incorporates by reference its responses to paragraphs 1 through 49 above as if the same were set forth in full herein.

41.

The allegations contained in paragraphs 51, 52 and 53 are entirely against another defendant and do not require a response from Defendant Background. To the extent a response is required, Defendant Background denies all allegations contained in paragraphs 51, 52 and 53 of Plaintiff's Amended Complaint.

AFFIRMATIVE DEFENSES

Without waiving the foregoing or assuming the burden of proof with respect to its affirmative defenses, Defendant Background alleges the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim – All Causes of Action)

42.

Plaintiff's Amended Complaint and each and every cause of action therein fails to state a claim upon which relief can be granted or facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE
(Laches)

43.

Plaintiff's claims should be barred by the doctrine of laches.

///

///

///

THIRD AFFIRMATIVE DEFENSE

(Statute of Limitations)

44.

Plaintiff's claims should be barred by the applicable statute of limitations.

RESERVATION OF RIGHTS TO ALLEGE OTHER AFFIRMATIVE DEFENSES

Defendant Background Investigations, Inc. reserves the right to assert additional defenses that are supported by information or facts obtained through discovery or other means during this case and expressly reserves the right to amend this response to assert such additional affirmative defenses.

WHEREFORE, Defendant Background Investigations, Inc. prays as follows:

1. That Plaintiff's Amended Complaint be dismissed with prejudice and that judgment be entered in its favor and that Plaintiff take nothing thereby;
2. That Defendant Background Investigations, Inc. be awarded all costs and disbursements; and
3. For such other and further relief as the Court deems just and proper.

DATED this 13th day of April, 2016.

BITTNER & HAHS, P.C.

By: s/William J. Edgar
William J. Edgar, OSB #120136
Of Attorneys for Defendant
Background Investigations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2016, I served the foregoing
DEFENDANT BACKGROUND INVESTIGATIONS, INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT on the
following individual(s):

Robert S. Sola, OSB #844541
Shidon B. Aflatooni, OSB #113115
Robert S. Sola, P.C.
1500 SW First Avenue, Suite 800
Portland, OR 97201
F: (503) 243-4546
E: rssola@msn.com

safatooni@outlook.com
Of Attorneys for Plaintiff

Christopher J. Kayser, OSB #984244
Larkins Vacura LLP
121 SW Morrison Street, Suite 700
Portland, OR 97204
F: (503) 827-7600
E: cjkayser@larkinsvacura.com

and

Ronald I. Raether, Jr., *Pro Hac Vice*
Troutman Sanders LLP
1001 Haxall Point
Richmond, Virginia 23219
F: (804) 698-6013
E: Ronald.raether@troutmansanders.com
Of Attorneys for Corelogic Credco, LLC

via CM/ECF Notice of Electronic Filing.

DATED this 13th day of April, 2016.

BITTNER & HAHS, P.C.

By: s/William J. Edgar

William J. Edgar, OSB #120136
Of Attorneys for Defendant Background
Investigations, Inc.

Kimberly Hanks McGair, OSB #984205
Farleigh Wada Witt
121 SW Morrison Street, Suite 600
Portland, OR 97204-3136
F: (503) 228-1741
E: kmcgair@fwwlaw.com
Of Attorneys for Advanced Reporting, LLC

Andrew M. Altschul, OSB #980302
Buchanan Angeli Altschul & Sullivan LLP
321 SW 4th Avenue, Suite 600
Portland, OR 97204
F: (503) 974-5015
E: andrew@baaslaw.com

and

Frederick T. Smith, *Pro Hac Vice*
Megan H. Poonolly, *Pro Hac Vice*
Seyfarth Shaw LLP
1075 Peachtree Street, Suite 2500
Atlanta, Georgia 30309-3958
F: (404) 892-7056
E: fsmith@seyfarth.com
mpoonolly@seyfarth.com
Of Attorneys for First Advantage Background
Services Corp.